

06-25-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper and the documents and/or fees referred to as  
enclosed therein are being deposited with the United States Postal Service  
on June 22, 2001 in an envelope as "Express Mail Post Office to  
Addressee" service under 37 CFR §1.10, Mailing Label Number  
**EL898677841US**, addressed to the Commissioner for Patents, Washington,  
DC 20231.

  
Misha Eisman

Attorney Docket No.: CYTOP003

First Named Inventor: Corey Nislow



**UTILITY PATENT APPLICATION TRANSMITTAL (37 CFR. § 1.53(b))**  
(Regular application claiming priority of a provisional)

Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

**Sir:** This is a request for filing a patent application under 37 CFR. § 1.53(b) in the name of inventors:  
**Corey E. Nislow, Nolan H. Sigal, David G. Drubin and Cynthia L. Adams**

**For:** **IMAGE ANALYSIS FOR PHENOTYPING SETS OF MUTANT CELLS**

Assigned to: Cytokinetics, Inc.

Priority of U.S. Provisional Application No. 60/213,850 filed on June 23, 2000 is claimed under 35  
U.S.C. § 119(e).

**Application Elements:**

- ☒ 28 Pages of Specification, Claims and Abstract
- ☒ 13 Sheets of formal Drawings
- ☒ 3 Pages Combined Declaration and Power of Attorney - Unexecuted
- ☐ Separate Declaration

**Accompanying Application Parts:**

- ☐ Do not publish this application. Nonpublication Request is attached.
- ☐ Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)
- ☐ Separate Power of Attorney by Assignee
- ☐ 37 CFR 3.73(b) Statement by Assignee
- ☐ Information Disclosure Statement with Form PTO-1449
- ☐ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard
- ☒ Other: Petition Under 37 C.F.R. § 1.84(a)(2)

Claim For Foreign Priority

☐ Priority of \_\_\_\_\_ Application No. \_\_\_\_\_ filed on \_\_\_\_\_  
is claimed under 35 U.S.C. § 119.  
☐ The certified copy is enclosed. ☐ The certified copy will follow.

☐ Amend the specification by inserting before the first line the sentence:

“This application claims the benefit of U.S. Provisional Application No. \_\_\_\_\_  
filed on \_\_\_\_\_, the disclosure of which is incorporated herein by reference.”

Fee Calculation (37 CFR § 1.16)

☐ Applicant is entitled to Small Entity Status under 37 C.F.R. §1.27.

	(Col. 1) Total Claims		(Col. 2) Claims	(Col. 3) Present Extra	Rate	Additional Fee
TOTAL		MINUS	20	=	x 18 =	
INDEP.		MINUS	3	=	x 80 =	
[ ] First presentation of multiple dependent claim					\$270 =	
Basic Filing Fee under 37 C.F.R. §1.16(a)					\$710 =	710.00
TOTAL						
SMALL ENTITY 50% FILING FEE REDUCTION (if applicable)						

☒ PLEASE DEFER FILING FEES AT THIS TIME

☒ The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 500388 (Order No. \_\_\_\_\_).

General Authorization for Petition for Extension of Time (37 CFR §1.136)

☒ Applicants hereby make and generally authorize any Petitions for Extensions of Time as may be needed for any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as may be needed to Deposit Account No. 500388 (Order No. CYTOP003).

☒ Please send correspondence to the following address:

**Customer Number 022434**  
BEYER WEAVER & THOMAS, LLP  
P.O. Box 778  
Berkeley, CA 94704-0778  
Telephone (510) 843-6200  
Fax (510) 843-6203



Date: 6/22/01

Jeffrey K. Weaver  
Jeffrey K. Weaver  
Registration No. 31,314

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re application of: Nislow et al.

Attorney Docket No.: CYTOP003

Application No.: NEW

Examiner: UNASSIGNED

Filed: HERewith

Group: UNASSIGNED

Title: IMAGE ANALYSIS FOR PHENOTYPING  
SETS OF MUTANT CELLS**PETITION UNDER 37 C.F.R. § 1.84 (a)(2)**

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Sir:

The Applicants respectfully petition under 37 C.F.R. section 1.84 (a)(2) for acceptance of a color drawing. Figure 4 in the current patent application should be accepted in color.

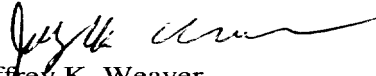
Because the invention pertains to image analysis, figures depicting images of the type employed in invention are submitted with this application. One of these figures, Figure 4, is a color image. Figure 4 shows how the invention may be used to simultaneously analyze three separate markers in an image of yeast cells. The markers separately highlight nuclei (blue), actin (red), and cell walls (green).

The color drawing is necessary because colored representation of different cell components/markers is the only effective method of illustrating the distribution of the cell components within yeast cells in an image. Further drawing illustrates a specifically claimed aspect of the invention. See claims 7, 8, and 9, for example.

Enclosed with the current petition is the requisite fee set forth under 37 C.F.R. § 1.17(h) and three copies of the color drawing, Figure 4. Also enclosed is a black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color drawing. Finally, the Specification contains the required language, set forth in 37 C.F.R. § 1.84 (a)(2), in that portion of the Specification relating to the Brief Description of the Drawings.

In view of the foregoing, the Applicants respectfully request the acceptance of color drawing of Figure 4.

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP



Jeffrey K. Weaver  
Reg. No. 31,314

P.O. Box 778  
Berkeley, CA 94704-0778  
(510) 843-6200

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